

allowing firing of the firearm to take place only if the information so received complies with certain requirements, and recording at least one aspect of a group consisting of an image in the direction in which a shot is fired, and a sound at about the time when a shot is fired.

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#### REMARKS

Claims 24-46 are presently pending in this application. Claims 24, 42, 44, and 46 have been amended. No new matter has been added.

Claims 24, 44, and 46 were amended in response to the Examiner's objection of a grammatical error where the Applicant states "a shot is in use fired." Claims 24, 44, and 46 have been amended to delete the terms "in use." In addition, the Examiner objected to the spelling errors in claims 24 and 46. These spelling errors have been attended to in the above amendments to the claims.

#### 35 U.S.C. § 112 Rejections

Claims 24 and 42 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner notes that there is insufficient antecedent basis for the limitation "the group" in claims 24 and 42. Applicant believes that the above amendments to claims 24 and 42 address the specific rejections identified by the Examiner and overcome the indefiniteness rejections. Reconsideration of this rejection is respectfully requested in view of the above amendments.

#### 35 U.S.C. § 102(e) Rejections

Claims 24, 29-30, 34-41, and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,185,852 to Whalen et al. (hereinafter "the Whalen patent"). Applicant respectfully requests reconsideration of these rejections.

The present claimed invention discloses a firearm device including a firearm, a safety means for impeding an authorized person to fire the firearm, and an information storage means for recording and storing at least one aspect of a group consisting of an image in the direction in which a shot is fired and a sound at about the time when a shot is fired. The present claimed invention is also directed to a firearm device including a firearm and safety means being characterized by including an information carrier and gathering means for gathering information from the person using the firearm. The information carrier means is separable from the firearm device whereon information can be recorded. The safety means further includes a processing means for processing information received in the information carrier and gathering means and allows firing of the firearm to take place only if the information so received complies with general requirements. Additionally, the safety means includes recording at least one aspect of a group consisting of an image and the direction in which a shot is fired and a sound at about the time when the shot is fired.

The Whalen patent discloses a gun safety system for use with a gun having a handle, a barrel, a firing mechanism, and a safety latch. The system includes a main housing that includes a means for blocking access to the safety latch and a means for verifying an authorized user operably connected to the means for blocking access to the safety latch. Upon verification of an authorized user, the safety latch becomes accessible to the authorized user.

The Whalen patent does not teach or suggest both a safety means and a separate information storage means for recording and storing an image in the direction in which a shot is fired or a sound at about the time when a shot is fired as claimed in amended independent claim 24 of the present invention. Rather, the Whalen patent teaches a sensing circuit which includes a fingerprint image surface matrix and a microphone sound sensor. The sensing circuit allows for the verification of an authorized user before firing through the use of voice recordings using

the microphone or fingerprint scanning using the image surface matrix. The sensing circuit is a safety means preventing unauthorized use of the firearm. The microphone sound sensor does not record a sound at about the time a shot is fired. The Whalen patent teaches away from using the structure of the sensing circuit when the gun is fired. The sensing circuit is used in advance of the firearm use. Thus, the Whalen patent teaches a sensing circuit, but fails to teach or suggest an information storage means which records and stores either an image in the direction in which a shot is fired, or a sound at about the time when a shot is fired, as in the present claimed invention.

Claims 29-30 and 34-41 depend from and add further limitations to amended independent claim 24 and are deemed to be patentable for the reasons discussed hereinabove in connection with independent claim 24. Reconsideration of the rejection of claims 29-30 and 34-41 is respectfully requested.

Additionally, the Whalen patent does not teach or suggest the above discussed recordings of an image or sound feature as claimed in amended independent claim 46. Reconsideration of amended independent claim 46 is respectfully requested for the same reasons.

Applicant conceived of the present invention in advance of the filing date of the Whalen patent and explicitly reserves the right to file a Declaration under 37 C.F.R. § 1.131 establishing such an earlier date of invention to effectively remove the Whalen patent as a §102(e) reference. Such a Declaration was not submitted at this time because the limitations of claims 24-46 are not anticipated by or made obvious in view of the Whalen patent, as indicated herein.

### 35 U.S.C. § 103(a) Rejections

Claims 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Whalen patent in view of WO-A 9855 817 (hereinafter "D1"). Claims 25-28 are rejected

under 35 U.S.C. § 103(a) as being unpatentable over the Whalen patent in view of D1 and U.S. Patent No. 5,062,232 to Eppler (hereinafter “the Eppler patent”). Claims 42-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Whalen patent in view of D1 and U.S. Patent No. 4,907,022 to Myers (hereinafter “the Myers patent”). Applicant respectfully requests reconsideration of these rejections.

The Examiner states with respect to claims 31-33 that while the Whalen patent does not teach the “carrier means comprising a card”, it would have been obvious to combine the teachings of the Whalen patent with the card taught in D1. Applicant respectfully disagrees with the Examiner. Not only does the Whalen patent not teach a card as a carrier means, the Whalen patent more importantly does not teach the feature that the card has information recorded thereon in respect of the physical information of the authorized user for identifying the user set forth in claim 32 of the present invention. The combination of these structural elements and the inter-relationship of these claimed elements is not taught or suggested in the Whalen patent.

Additionally, with respect to claims 25-28, the Examiner states that the Whalen patent fails only to teach “a storing means storing a unique code relative to each projectile fired and the firearm including a laser system,” and that it would have been obvious to combine the laser beam of the Eppler patent to the Whalen patent. Applicant respectfully disagrees. The element of the unique code relating to each projectile fired in claim 25 is not taught or suggested in either the Eppler patent or the Whalen patent. Additionally, claims 25-28 depend from amended independent claim 24, and the Eppler and Whalen patents fail to teach the information storage means for recording and storing, as discussed herein.

With respect to claims 42-45, the Examiner states that the Whalen patent teaches the information storage means and a microphone, and it would have been obvious to combine the camera taught by the Myers patent and the timepiece and GPS system of D1 with the Whalen

patent. Applicant respectfully disagrees with the Examiner. The Myers patent is directed to a simulated weapon that shoots pictures of game in place of firing projectiles. The Myers patent does not teach or suggest an information storage means as disclosed in the present claimed invention, and the Whalen patent fails to teach or suggest the use of a camera, a timepiece, or GPS system. The Eppler patent, D1, and the Myers patent do not cure the deficiencies of the Whalen patent, as discussed herein. Accordingly, Applicant respectfully requests reconsideration of these rejections.

#### CONCLUSION

In view of the foregoing amendments and remarks, claims 24-46 are deemed to be in condition for allowance and reconsideration of the Examiner's rejections and allowance of claims 24-46 are respectfully requested.

Respectfully submitted,

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The marked-up versions of amended claims 24, 42, 44, and 46 are as follows:

24. (Once Amended) A firearm device comprising:

a firearm;

a safety means for impeding an [unauthorised] unauthorized person to fire the  
firearm; and

an information storage means for recording and storing at least one aspect of [the]  
a group consisting of an image in the direction in which a shot is [in use] fired, and a sound at  
about the time when a shot is [in use] fired.

42. (Once Amended) The device of claim 24, wherein the information

storage means is connected to at least one device of [the] a group consisting of a digital camera  
for recording images, a microphone for recording sound, a timepiece for recording time, and a  
GPS for recording position in the form of geographical co-ordinates; and the information storage  
means is arranged to store data from the said at least one device.

44. (Once Amended) The device of claim 43, wherein the digital camera

is mounted to face along the barrel defined by the firearm, thereby allowing it to record an image  
in the direction in which a shot is [in use] fired.

46. (Once Amended) A firearm device comprising:

a firearm; and

a safety means being [characterised] characterized therein that it comprises an information carrier and gathering means defining an information carrier means separable from the firearm device whereon information can be recorded, and an information gathering means for gather information from the person to use the firearm; and the safety means further comprising processing means for processing information received from the information carrier and gathering means and allowing firing of the firearm to take place only if the information so received complies with certain requirements, and recording at least one aspect of [the] a group consisting of an image in the direction in which a shot is [in used] fired, and a sound at about the time when a shot is [in used] fired.